

Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 STATE 100294

62

ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 OES-06 INT-05 EPA-04 FEA-01 AID-05

CEQ-01 CIAE-00 COME-00 DODE-00 EB-07 INR-07 IO-13

NSF-02 NSC-05 NSAE-00 PM-04 USIA-15 SS-15 SP-02 /108 R

DRAFTED BY EUR/CAN:LFJANOWSKI:PW

APPROVED BY EUR/CAN:DAKRUSE

L/EUR - SGUDGEON (DRAFT)

OES - HSPIELMAN (DRAFT)

INTERIOR - RSTURGILL (SUBSTANCE)

EPA - JBLANE (DRAFT)

MONTANA - SHARON SOLOMON (SUB)

----- 105013

R 241923Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

INFO AMCONSUL WINNIPEG

UNCLAS STATE 100294

E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: POPLAR RIVER

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING AIDE MEMOIRE
TO USA DIVISION, DEPARTMENT OF EXTERNAL AFFAIRS: "THE
DEPARTMENT OF STATE REFERS TO THE BILATERAL MEETING OF US
AND CANADIAN OFFICIALS HELD IN REGINA ON MARCH 5 AND THE
AGREEMENT REACHED AT THAT MEETING AS TO THE NEED FOR A
FORMAL BILATERAL MECHANISM TO ADDRESS WATER QUALITY ISSUES
RELATED TO THE POPLAR RIVER. IN THIS REGARD, THE DEPART-
MENT OF STATE WISHES TO REITERATE THE VIEW OF THE UNITED
STATES GOVERNMENT THAT THE INTERNATIONAL JOINT COMMISSION
IS THE APPROPRIATE BILATERAL MECHANISM TO ADDRESS THIS
MATTER. THE DEPARTMENT OF STATE THEREFORE PROPOSES THAT
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 STATE 100294

GOVERNMENTS SUBMIT A JOINT REFERENCE TO THE COMMISSION
PURSUANT TO THE PROVISIONS OF ARTICLE IX OF THE BOUNDARY

WATERS TREATY OF 1909 AND ENCLOSES A PROPOSED REFERENCE FOR THE CONSIDERATION OF THE GOVERNMENT OF CANADA.

THE DEPARTMENT OF STATE ALSO WISHES TO NOTE THAT THE INTERNATIONAL JOINT COMMISSION WILL BE HOLDING PUBLIC HEARINGS ON MAY 26-27 IN MONTANA AND SASKATCHEWAN WITH RESPECT TO THE PROPOSED APPORTIONMENT OF THE WATERS OF THE POPLAR

RIVER AND IS OF THE VIEW THAT A MEETING OF OFFICIALS OF CONCERNED GOVERNMENTS WITH RESPECT TO TERMS OF REFERENCE COULD PROFITABLY BE HELD IMMEDIATELY PRIOR TO OR FOLLOWING THOSE PUBLIC HEARINGS.

2. EMBASSY SHOULD MAKE THE FOLLOWING POINTS ORALLY:

--SASKATCHEWAN'S PLANS FOR PROGRESSIVE DEVELOPMENT OF THE POPLAR RIVER SITE REQUIRES, IN OUR VIEW, A LONG-TERM APPROACH TO WATER QUALITY PROBLEMS.

--IF A REFERENCE IS CONFINED SOLELY TO WATER QUALITY PROBLEMS EMANATING FROM THE FIRST 300 MEGAWATT UNIT, IT APPEARS CLEAR THAT ADDITIONAL BILATERAL NEGOTIATIONS WILL BE REQUIRED FOR EACH ADDITIONAL UNIT AS IT REACHES THE PLANNING STAGE.

--THIS WILL REQUIRE A SERIES OF NEGOTIATIONS CONTINUING INTO THE MID 1980'S, A PROCESS WHICH DOES NOT APPEAR TO BE IN THE INTEREST OF ANY OF THE CONCERNED PARTIES.

--OUR DRAFT HAS DEVIATED FROM THE TRADITIONAL LANGUAGE WITH RESPECT TO FUNDING. WE BELIEVE THAT THIS APPROACH MAY BE MORE PRACTICABLE, AND MAY ALLEVIATE CONCERNS RAISED BY THE COMMISSION WITH RESPECT TO TRADITIONAL FUNDING PRACTICES.

--WE HOPE TO RECEIVE CANADIAN COMMENTS ON OUR PROPOSED DRAFT AT AN EARLY DATE AND BELIEVE THAT GOVERNMENTS SHOULD MEET SOON TO ADDRESS THE QUESTION OF TERMS OF REFERENCE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 100294

3. DEPARTMENT WOULD ALSO APPRECIATE EMBASSY'S EFFORTS IN OBTAINING FROM EXTERNAL AFFAIRS INFORMATION WITH RESPECT TO STATUS OF RESULTS FROM BOUNDARY DAM TEST BURN OF POPLAR RIVER COALS. THERE IS CONSIDERABLE INTEREST IN THE US WITH RESPECT TO AIR QUALITY ISSUES AT PRESENT, AND RESULTS OF THE TEST BURN WOULD BE MOST USEFUL.

4. IN VIEW PROBABLE PARTICIPATION OF US OFFICIALS AT IJC HEARINGS, REQUEST YOU RAISE QUESTION OF UTILITY OF

PRIVATE ON-SITE VISIT FOR US OFFICIALS, POSSIBLY ON MORNING OF MAY 26.

5. FOLLOWING IS TEXT OF PROPOSED TERMS OF REFERENCE:

"I HAVE THE HONOR TO INFORM YOU THAT THE GOVERNMENTS OF THE UNITED STATES OF AMERICAN AND CANADA, IN LIGHT OF THE

-

PROVISIONS OF ARTICLE IV OF THE BOUNDARY WATERS TREATY OF 1909 WHICH PROVIDE THAT BOUNDARY WATERS AND WATERS FLOWING ACROSS THE BOUNDARY SHALL NOT BE POLLUTED ON EITHER SIDE TO THE INJURY OF HEALTH OR PROPERTY ON THE OTHER, AND IN LIGHT ALSO OF THE STUDIES CONDUCTED BY THE COMMISSION AND ITS POPLAR RIVER TASK FORCE WITH RESPECT TO AN EQUITABLE APPORTIONMENT OF THE WATERS OF THE POPLAR RIVER PURSUANT TO THE REFERENCE OF JANUARY 12, 1948, IN PARTICULAR NUMBERED PARAGRAPHS THREE AND FOUR THEREOF, HAVE AGREED, PURSUANT TO ARTICLE IX OF THE TREATY TO REQUEST THE INTERNATIONAL JOINT COMMISSION TO CONDUCT A STUDY OF WATER QUALITY OF THE POPLAR RIVER AND TO MAKE RECOMMENDATIONS WHICH WILL ASSIST GOVERNMENTS IN ASSURING THAT THE PROVISIONS OF ARTICLE IV OF THE BOUNDARY WATERS TREATY ARE HONORED.

IN DOING SO, THE COMMISSION SHOULD EXAMINE INTO AND REPORT UPON THE FOLLOWING MATTERS:

A) THE PRESENT STATE OF WATER QUALITY IN THE POPLAR RIVER AND ITS TRIBUTARIES WITH PARTICULAR REFERENCE TO THE WATERS OF THE EAST POPLAR RIVER.

UNCLASSIFIED
UNCLASSIFIED

PAGE 04 STATE 100294

B) THE LOCATION, SOURCES, AND CAUSES OF EXISTING WATER QUALITY DEGRADATION.

C) THE EFFECTS ON PRESENT WATER QUALITY AND THE EXISTING AQUATIC ECOSYSTEM RESULTING FROM CHANGES IN THE FLOW REGIME OF THE POPLAR RIVER IF AN APPORTIONMENT OF THE WATERS OF THE POPLAR RIVER IS MADE AS RECOMMENDED BY THE POPLAR RIVER TASK FORCE IN THE INTERNATIONAL SOURIS/RED RIVER BOARD'S LETTER OF FEBRUARY 27, 1976 TO THE INTERNATIONAL JOINT COMMISSION.

D) THE NATURE, EXTENT AND LOCATION OF IMPACTS TO BE ANTICIPATED FROM THE SASKATCHEWAN POWER CORPORATION'S PROPOSED POPLAR RIVER PROJECT AND ASSOCIATED DEVELOPMENTS ON THE QUALITY AND QUANTITY OF THE WATERS OF THE POPLAR RIVER BASIN, ITS AQUATIC ECOSYSTEM, AND EXISTING AND PROBABLE FUTURE WATER USES.

E) THE NATURE, EXTENT AND LOCATION OF IMPACTS TO BE ANTICIPATED FROM THE SASKATCHEWAN POWER CORPORATION'S PROPOSED POPLAR RIVER PROJECT AND ASSOCIATED DEVELOPMENTS ON GROUND-WATER AND AQUIFERS.

F) THE NATURE AND EXTENT OF THE IMPACTS ON THE POPLAR RIVER BASIN, ITS AQUATIC ECOSYSTEM, AND WATER USE, OF A DIVERSION OF WATERS INTO THE EAST POPLAR RIVER FOR THE PROPOSED POPLAR RIVER PROJECT, PARTICULARLY IF SUCH A DIVERSION WOULD INVOLVE INTERBASIN TRANSFER OF WATERS.

G) SUCH OTHER MATTERS AS THE COMMISSION MAY DEEM RELEVANT AND APPROPRIATE.

IN THE CONDUCT OF ITS INVESTIGATION AND IN THE PREPARATION OF ITS REPORT, THE COMMISSION SHOULD MAKE USE OF INFORMATION AND TECHNICAL DATA HERETOFORE AVAILABLE, OR WHICH MAY BECOME AVAILABLE DURING THE COURSE OF ITS INVESTIGATION. IN ADDITION, THE COMMISSION SHOULD SEEK THE ASSISTANCE, AS REQUIRED, OF SPECIALLY QUALIFIED PERSONNEL FROM BOTH COUNTRIES. PRIOR TO THE SUBMISSION OF ITS FINAL REPORT, THE COMMISSION SHOULD SUBMIT INTERIM REPORTS AT LEAST ANNUALLY TO GOVERNMENTS AS TO THE STATUS
UNCLASSIFIED
UNCLASSIFIED

PAGE 05 STATE 100294

OF ITS INVESTIGATIONS AND SHOULD PROVIDE GOVERNMENTS WITH SUCH INTERIM RECOMMENDATIONS OR CONCLUSIONS AS THE COMMISSION MAY DEEM RELEVANT.

THE GOVERNMENTS SHALL MAKE AVAILABLE, SUBJECT TO NECESSARY APPROPRIATIONS, THE FUNDS REQUIRED TO PROVIDE THE COMMISSION WITH THE RESOURCES NEEDED TO DISCHARGE ITS OBLIGATIONS FULLY. IN THIS REGARD, THE COMMISSION SHOULD CONSULT WITH GOVERNMENTS AT AN EARLY DATE ON ITS REQUIREMENTS FOR THE FUNDING OF PROPOSED STUDY. IF, IN THE COMMISSION'S VIEW, ADDITIONAL OR SUPPLEMENTARY FUNDING MAY BE REQUIRED AT A LATER TIME, THE COMMISSION SHOULD CONSULT WITH GOVERNMENTS AT THE EARLIEST PRACTICABLE DATE. SISCO

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTRUCTION, WATER POLLUTION, AIDE MEMOIRE, ELECTRIC POWER PLANTS, POPLAR RIVER, INTERNATIONAL RIVERS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE100294
Document Source: CORE
Document Unique ID: 00
Drafter: LFJANOWSKI:PW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760157-0213
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760425/aaaaaurt.tel
Line Count: 211
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 27 AUG 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 AUG 2004 by cookms>; APPROVED <15 DEC 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POPLAR RIVER
TAGS: SENV, CA, US
To: OTTAWA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006